

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

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CLERK *[Signature]*
SO. DIST. OF GA.

UNITED STATES OF AMERICA

v.

SHAWN HAMILTON

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CR 407-122

O R D E R

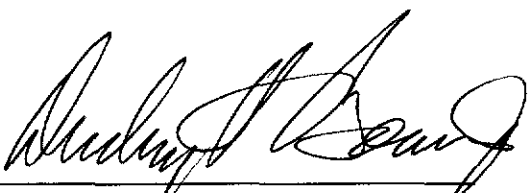
Before the Court is Defendant Shawn Hamilton's motion for reconsideration of the Order of May 27, 2015, which denied his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) based upon Amendment 782 to the United States Sentencing Guidelines.

On February 11, 2008, Hamilton was sentenced upon his plea of guilty to three separate counts: (1) possession with intent to distribute 5 grams or more of cocaine base and 3,4-methylenedioxymethamphetamine (Ecstasy); (2) possession of a firearm by a convicted felon; and (3) use and carry of a firearm during a drug trafficking crime. Hamilton was sentenced to serve 97 months on Count 1, 97 months on Count 2, and 60 months on Count 3, with the sentence on Counts 1 and 2 to run concurrently and the 60-month sentence on Count 3 to run consecutive to Counts 1 and 2. (See Judgment and Conviction Order of Feb. 12, 2008, at 2, doc. no. 78.) Thus, Hamilton was sentenced to serve a total of 157 months' imprisonment.

Amendment 782 to the United States Sentencing Guidelines implements a two-level offense level reduction to the offense levels assigned to the drug quantities set forth in Section 2D1.1 of the Guidelines. U.S.S.G. App. C, amend. 782. In the present case, Amendment 782 may affect the applicable guidelines range with respect to Count 1 against Hamilton, the drug-related offense. However, Amendment 782 has no effect on the applicable guideline range for Count 2 or Count 3. The sentences related to these counts remain unchanged; indeed, the Court is without authority to change those sentences under 18 U.S.C. § 3582(c)(2). Thus, Hamilton's sentence remains 97 months on Count 2 and 60 months on Count 3, to be served consecutively, no matter what the disposition of Count 1 would be if Amendment 782 were applied. Because Amendment 782 cannot change the sentence of 157 months, the Court correctly denied the § 3582(c)(2) motion.

Upon the foregoing, Hamilton's motion for reconsideration (doc. no. 150) is **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 8th day of June, 2015.


UNITED STATES DISTRICT JUDGE